

REMARKS

The Official Action mailed January 7, 2004, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for Three Month Extension of Time*, which extends the shortened statutory period for response to July 7, 2004. Also, filed concurrently herewith is a *Notice of Appeal*. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statements filed on March 31, 2000, July 18, 2000, January 31, 2001, April 9, 2001, and May 24, 2002.

Claims 1-40 were pending in the present application prior to the above amendment. Claim 6 has been amended to better recite the features of the present invention, and new claims 41-50 have been added to recite additional protection to which the Applicants are entitled. Accordingly, claims 1-50 are now pending in the present application, of which claims 1, 6, 12, 18, 23, 29, 35, 41 and 46 are independent. Claims 12-34 have been withdrawn from consideration by the Examiner (page 2, Paper No. 10). Accordingly, claims 1-11 and 35-50 are currently elected, of which claims 1, 6, 35, 41 and 46 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 2 of the Official Action rejects claims 1-5 and 35-40 under the doctrine of obviousness-type double patenting over the combination of claims 1-17 of U.S. Patent No. 5,414,442 to Yamazaki et al. and JP 01-156725 to Matsueda. In response to this rejection, a *Terminal Disclaimer* will be filed as soon as it is complete and received from Japan. Reconsideration and withdrawal of the obviousness-type double patenting rejections are requested.

Paragraph 4 of the Official Action rejects claims 6-11 as obvious based on the combination of U.S. Patent No. 4,743,096 to Wakai et al. and Matsueda. The Applicants respectfully submit that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present invention, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Independent claim 6 has been amended to recite that intervals are T_1 between the i -th pulse and the $(i+1)$ -th pulse, $2T_1$ between the $(i+1)$ -th pulse and the $(i+2)$ -th pulse, and $2T_1$ between the $(i+2)$ -th pulse and the $(i+3)$ -th pulse. Wakai and Matsueda, either alone or in combination, do not teach or suggest at least the above-referenced features of the present invention.

Since Wakai and Matsueda do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

New claims 41-50 have been added to recite additional protection to which the Applicants are entitled. Claims 41-50 recite a method for driving a television having a

display unit. Independent claim 41 recites the intervals recited in claims 1 and 6, and independent claim 46 recites the intervals recited in claim 35. For the reasons stated above and already of record, the Applicants respectfully submit that new claims 41-50 are in condition for allowance.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,


Eric J. Robinson
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.
PMB 955
21010 Southbank Street
Potomac Falls, Virginia 20165
(571) 434-6789